



**City of College Park  
Department of Planning, Community & Economic Development  
Staff Report**

**Reviewer: Miriam Bader**

**Date: June 25, 2021**

**A. APPEAL INFORMATION**

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Appeal No.: CPV-2021-06

Hearing Date: July 1, 2021

Petitioners: James Martin Benton and Janice Benton

Address: 7101 Rhode Island Avenue

Subdivision: College Park, Lot 8A, Block 4

Neighborhood Association: Calvert Hills Citizens Association

Zoning: R-55

Request: A variance of 6.71% or 666.35 square feet from the maximum allowable lot coverage of 30% or 2,979 square feet.

Purpose of Request: To enlarge the footprint of an existing screened-in rear porch area and convert it to a bedroom.

Requirements: 1. Lot Coverage. Section 27-442 (c) Table II of the Prince George's County Zoning Ordinance prescribes a maximum lot coverage of 30 percent in the R-55 zone.

Property Characteristics: 1. The property is rectangular with a variable width that averages 78.76 feet and an average depth of 121.2 feet for a total area of 9,930 square feet.  
2. The property is improved with a 1,768 square foot, two-story frame house, a 705.31 square foot freestanding garage, a 112 square foot screened porch and an 1,848 square foot driveway, all built in or around 1922. The driveway extends almost the entire depth of the lot to connect to the garage placed at the very back of the lot. The driveway widens half-way down the lot from 15-feet to 28-feet wide to provide access to the two-bay garage.

Neighborhood  
Characteristics:

3. The existing lot coverage exceeds the maximum allowed by 5.86%.
1. The property and immediate neighborhood are zoned R-55, single-family residential.
2. Long driveways leading to detached garages in the rear yard are very common in the Calvert Hills Neighborhood.

Other Information:

1. The proposed addition will only increase existing lot coverage by 84 square feet (6-feet x 14-feet) or 0.85% since it will be located over the footprint of the existing screened porch and part of the driveway. Total lot coverage with the addition will be over the maximum by 6.71%.
2. The new Zoning Ordinance will permit lot coverage in the R-55 zone to be 35%, but it has not yet gone into effect.
3. The Applicants want to add a bedroom to their first floor to allow them to age in place.
4. The Applicants are willing to remove four sections of the driveway, see Exhibit 3, to reduce lot coverage by 542.15 square feet, resulting in an overage of 124.20 square feet or 1.25% over the maximum 30%.

### **CRITERIA FOR GRANTING A VARIANCE**

1. ***Property has exceptional narrowness, shallowness, or shape, exceptional topographic conditions or other extraordinary situations or conditions.***

The property is exceptionally deep with the original house built in 1922 and detached rear yard garage built sometime after. The resulting long driveway adds significantly to lot coverage. The house, garage, and driveway preceded the Zoning Ordinance and so did not require a variance.

2. ***The strict application of the County Zoning Ordinance will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon the property owner.***

The strict application of the Zoning Ordinance will result in a peculiar and unusual practical difficulty by preventing the replacement of an outdated structure which would permit the Applicants to age in place even though the addition will increase lot coverage only nominally above the existing non-conforming lot coverage.

3. *The variance will not substantially impair the intent, purpose or integrity of any applicable County General Plan or County Master Plan.*

Granting the driveway variance will not substantially impair the intent or purpose of the applicable County General Plan or County Master Plan since lot coverage will only be nominally increased. The Applicant is willing to reduce the size of the existing driveway to bring lot coverage more in line with the current lot coverage maximum and well within the new lot coverage maximum.

#### **C. RECOMMENDATION**

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Staff recommends approval of a lot coverage variance of 1.25% or 124.20 square feet with the removal of 542.15 square feet of driveway.

#### **D. EXHIBITS**

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1. Application
2. Existing Conditions Site Plan
3. Proposed Conditions Site Plan
4. Tax Records
5. Location Map
6. Zoning and Building Footprint Map
7. Impervious Surface Map
8. Aerial Photograph
9. Lot Coverage Calculations
10. Staff Photos



City of College Park Advisory Planning Commission  
 8400 Baltimore Avenue, Suite 375  
 College Park, MD 20740  
 Phone: 240-487-3538 • www.collegeparkmd.gov

APPLICATION FOR VARIANCE FROM  
 THE STRICT APPLICATION OF THE  
 PRINCE GEORGE'S COUNTY ZONING ORDINANCE

*Instructions: Please complete and mail to the address above or e-mail to Miriam Bader at mbader@collegeparkmd.gov. All required information must be provided before an application is accepted for processing. An appointment with the City Planning Staff must be made to review the application prior to acceptance. Please call (240) 487-3538 to schedule an appointment. The following items must accompany the application: 1) an accurate plat or site plan drawn to scale that, includes all existing structures, driveway and additions; 2) filing fee or financial hardship waiver request.*

OWNER INFORMATION

Name of Property Owner (s) James Martin Benton and Janice Benton

Address of Property 7101 Rhode Island Ave College Park, MD 20740

Do you reside in the property? ☒ Yes ☐ No

If no, provide home address \_\_\_\_\_

Telephone 301-927-7290 Fax \_\_\_\_\_ E-mail jmbpottery@gmail.com

Name of Agent/Representative (if any) Self

Address \_\_\_\_\_ Telephone \_\_\_\_\_

Have you applied for and been denied a permit? ☐ Yes ☒ No

Have you received a violation notice? ☐ Yes ☒ No If yes, date of notice \_\_\_\_\_

Has property been the subject of a previous appeal or zoning application? ☐ Yes ☒ No

If yes, provide case number(s) and dates \_\_\_\_\_

Do you require an interpreter? ☐ Yes ☒ No

DESCRIPTION OF PROPERTY

Subdivision \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_ Parcel \_\_\_\_\_

Zoning \_\_\_\_\_ Total Area (Sq ft) \_\_\_\_\_

Civic Association Name \_\_\_\_\_



## VARIANCE REQUEST

List each required variance on a separate line and cite the section of the Zoning Ordinance from which the variance is requested.

- 1) \_\_\_\_\_
- 2) \_\_\_\_\_
- 3) \_\_\_\_\_
- 4) \_\_\_\_\_
- 5) \_\_\_\_\_

## PURPOSE OF VARIANCE

Describe what you propose to do and why you need a variance.

We propose to increase the size of an existing screen porch on the east side of the house at 7101 Rhode Island Avenue, making it an all-season room. We propose to add 6' to the east wall, covering an existing flower bed, and extending the north wall by 12 feet, covering a portion of the existing concrete driveway. This would amount to covering 84 square feet of current permeable land. A variance is requested because this addition would add to the current lot coverage of 37.89% which exceeds the current PG County Zoning ordinance of 30%. However, we demonstrate below our willingness and intent to eliminate portions of the concrete driveway to bring the ratio closer in line with the county ordinance. The percentage of the lot's non-permeable coverage has not changed since purchase of the house, which is our residence, in October 1998.

**IN ORDER FOR A VARIANCE TO BE GRANTED, ALL OF THE FOLLOWING CRITERIA MUST BE MET. PLEASE INDICATE HOW YOU COMPLY WITH EACH OF THESE.**

**Criteria #1. Property has exceptional narrowness, shallowness, or shape, exceptional topographic conditions or other extraordinary situations or conditions. (Describe any special conditions and/or circumstances which are peculiar or unique to the property and, that are not characteristic of other property in the neighborhood).**

The original construction of the house occurred in 1925, with the garage constructed subsequent to that date. The exact date for the garage construction is unknown, but we know for a fact that the garage existed at the time of our purchase of the property in October, 1998. From our purchase of the property until present, we have not increased the non-permeable portion of the lot coverage that existed at the purchase date. Given the fact that the non-permeable coverage of the lot exceeds current PG County Zoning Code specifications, we are proposing to decrease the existing size of the concrete driveway as much as reasonable as to come within the maximum 30% coverage requirement, and below the 35% lot coverage ordinance passed by the County Council, but pending enactment. This includes narrowing the existing driveway by four (4) to five (5) feet as well as removing portions of the concrete between the rear of the house and the right door of the two-door garage. The proposed concrete removal will in actuality increase the permeable area of the lot substantially more than the proposed addition will cover, i.e., 542.15 square feet of new permeable surface as opposed to 84 square feet of coverage. Our proposal will substantially increase the permeable lot area, thereby enhancing the current situation and satisfying the underlying

regulatory intent of the ordinance in question.

**Criteria #2. The strict application of the County Zoning Ordinance will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon the property owner.** *(The property owner is deprived of property rights commonly enjoyed by neighboring property owners because of the property's unusual features or conditions). Hardship cannot be self-imposed.*

Our objective in undertaking this construction project is to facilitate our ability to age-in place in a home which we have occupied for more than twenty years. With the sleeping area solely on the second floor, it is extremely

difficult for one of the occupants with spinal stenosis to navigate the stairs on a regular basis. Adding the first-floor bedroom makes it feasible to remain in our home, rather than undertaking the task of relocating. Granting the variance

would make an affirmative statement to residents of Prince George's County that Prince George's government leaders are sensitive to the concerns of the aging population and are committed to taking necessary steps to address their needs.

Further, a strict application of the current ordinance disproportionately affects the actual permissible lot coverage that exists currently. The new construction only increases the non-permeable coverage by 84 square feet (6' x 14') on a lot

size of 9,930 square feet, i.e., less than 1%. Further, as indicated above, 542.15 square feet of concrete will be removed to allow for a net increase of permeable land.

**Criteria # 3. The variance will not substantially impair the intent, purpose or integrity of any applicable County General Plan or County Master Plan.** *(Granting of the variance will not be in conflict with the public interest as requested in these plans).*

The proposed extension to the rear screen porch will have minimal impact to the neighborhood aesthetics in that we intend to ensure the architectural integrity of the house. All windows used in the construction will be a similar

style to those currently found in the house, as well as the matching roof shingle color. The exterior color of the addition will be complementary to the existing house. Further, there will be no net increase in the amount of non-permeable

lot coverage. In fact, there will be a substantial increase of permeable land on the lot.

OWNER Same Martin & Janice L Martin, 7101 Rhode Island Same  
**NAMES & MAILING ADDRESSES OF ALL ADJOINING PROPERTY OWNERS**  
*(These include properties located on either side, behind and across the street from your property).*

Property Address	Owner's Name	Owner's Address
7103 Rhode Island Ave.	Nancy & James Neher	1806 Merrifields Dr. Silver Spring, MD 20906
4702 Fordham Rd.	Daniel Leistikow et al	6812 8th St. NW, Washington DC 20012
4701 Fordham Rd.	Manuel & Gladys Palau	Same
4705 Fordham Rd.	Andrea Brown	Same
7102 Rhode Island Ave.	Mary Chadwick	Same
4614 Fordham Rd.	Christopher McGranahan, et al	Same

Janice L. Benton Digitally signed by Janice L. Benton  
Date: 2021.06.11 12:38:02 -04'00'

**Signature of Owner (Required)**

6-11-2021

**Date**

James M. Benton Digitally signed by James M. Benton  
Date: 2021.06.11 12:39:42 -04'00'

**Signature of Owner (Required)**

6-11-2021

**Date**

**Responses to Variance Application**  
**Submitted to Miriam Bader, City of College Park**  
**June 11, 2021**

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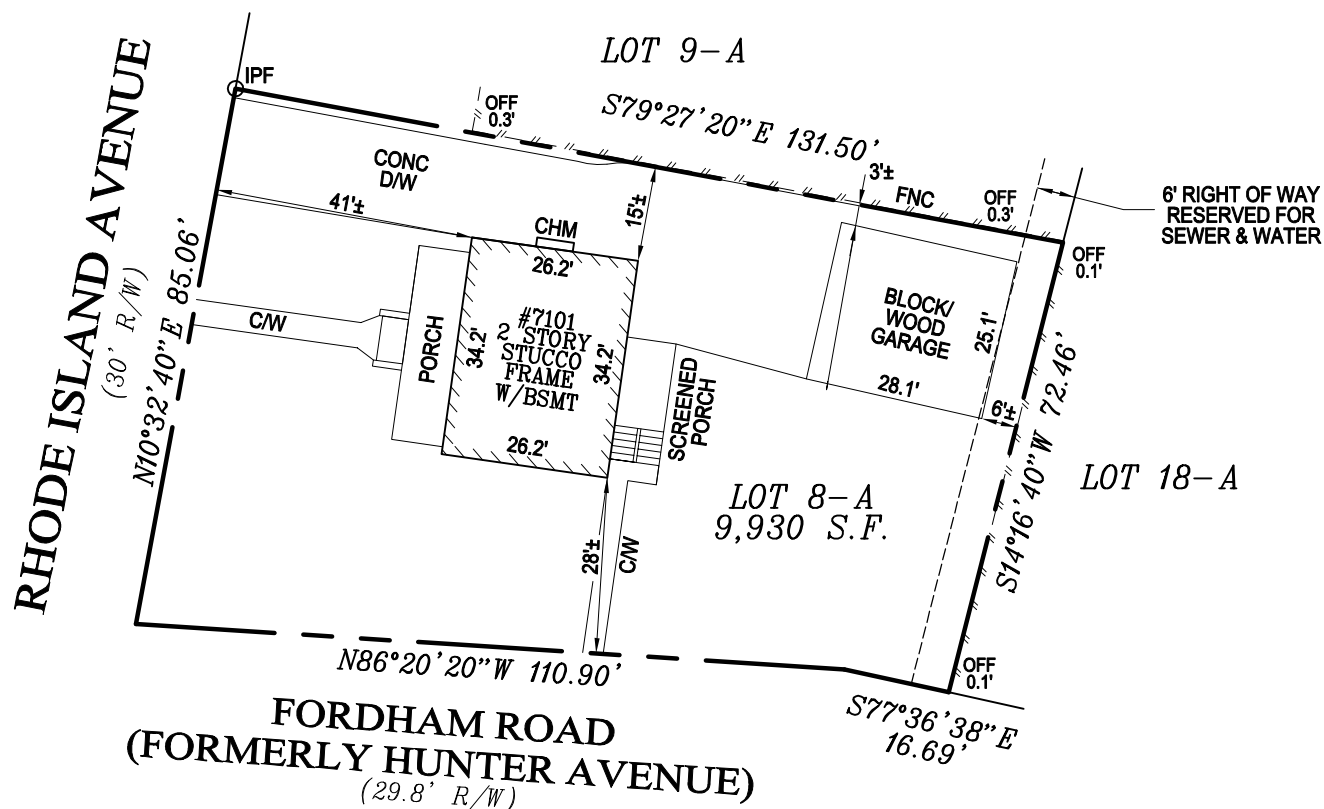
# LOCATION DRAWING

## PROPERTY INFORMATION

7101 RHODE ISLAND AVENUE, COLLEGE PARK, MARYLAND 20740  
 LOT 8A BLOCK 4 PB A-1441 COLLEGE PARK L.12499 F.506  
 PRINCE GEORGE'S COUNTY MARYLAND

## SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY SHOWN HEREON FOR THE PURPOSE OF LOCATING THE IMPROVEMENTS ONLY, AND THE IMPROVEMENTS ARE LOCATED AS SHOWN. EXACT PROPERTY CORNERS HAVE NOT BEEN ESTABLISHED OR SET, WE ASSUME NO RESPONSIBILITY OR LIABILITY FOR ANY RIGHT-OF-WAYS OR EASEMENTS RECORDED OR UNRECORDED. NO TITLE REPORT FURNISHED.



### NOTE:

THIS PLAT IS OF BENEFIT TO A CONSUMER ONLY INsofar AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENT IN CONNECTION WITH CONTEMPLATED TRANSFER, FINANCING OR RE-FINANCING; IT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OR LOCATION OF FENCES, GARAGES, BUILDINGS, OR OTHER EXISTING OR FUTURE IMPROVEMENTS; AND DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OR PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR REFINANCING. FENCES IF SHOWN ARE APPROXIMATE ONLY AND DO NOT CERTIFY TO OWNERSHIP.

## SITE DEVELOPMENT CONSULTANTS LLC

### SURVEYORS. ENGINEERS. CONTRACTORS

8402 QUILL POINT ROAD  
 BOWIE MARYLAND 20720  
 TEL: 301-459-5380  
 FAX: 301-459-5381

[www.sitedevelopmentconsultants.com](http://www.sitedevelopmentconsultants.com)





# LOCATION DRAWING

## PROPERTY INFORMATION

7101 RHODE ISLAND AVENUE, COLLEGE PARK, MARYLAND 20740  
 LOT 8A BLOCK 4 PB A-1441 COLLEGE PARK L.12499 F.506  
 PRINCE GEORGE'S COUNTY MARYLAND

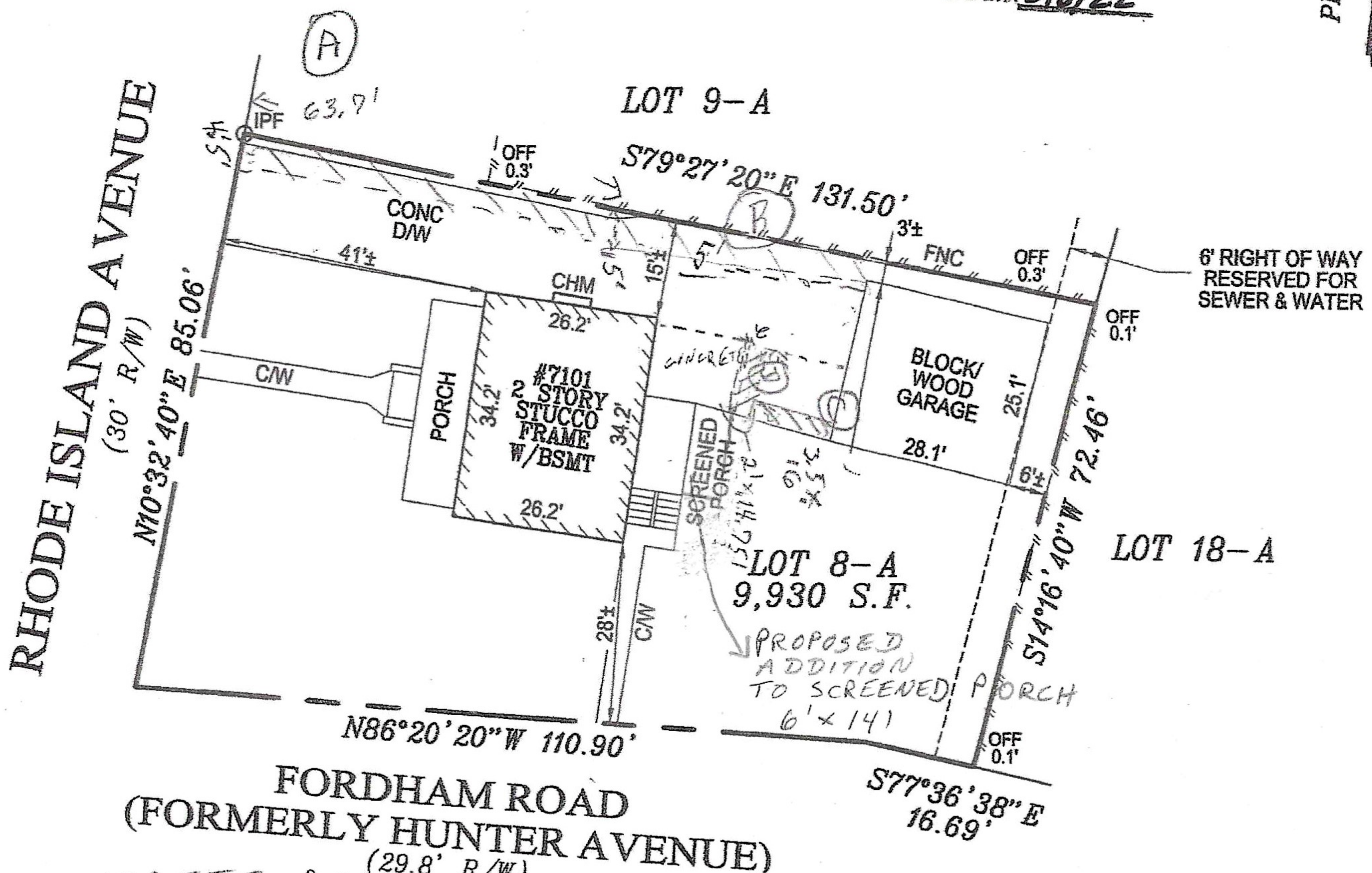
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Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the state of Maryland. License No. 15937, Expiration Date: 3/5/22

PLAT NORTH

DATE: 5/24/21  
 SCALE: 1" = 30'



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8402 QUILL POINT ROAD  
 BOWIE MARYLAND 20720

TEL: 301-459-5380

FAX: 301-459-5381

www.sitedevelopmentconsultants.com



Search Result for PRINCE GEORGE'S COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
<b>Special Tax Recapture:</b> None		
<b>Account Identifier:</b> District - 21 Account Number - 2377166		
Owner Information		
<b>Owner Name:</b>	BENTON JAMES M & JANICE L	<b>Use:</b> RESIDENTIAL <b>Principal Residence:</b> YES
<b>Mailing Address:</b>	7101 RHODE ISLAND AVE COLLEGE PARK MD 20740-3743	<b>Deed Reference:</b> /12499/ 00506
Location & Structure Information		
<b>Premises Address:</b>	7101 RHODE ISLAND AVE COLLEGE PARK 20740-0000	<b>Legal Description:</b>
<b>Map:</b> 0033	<b>Grid:</b> 00D4	<b>Parcel:</b> 0000
<b>Neighborhood:</b> 21053280.17	<b>Subdivision:</b> 3280	<b>Section:</b> 4
<b>Block:</b> 4	<b>Lot:</b> 8A	<b>Assessment Year:</b> 2019
<b>Plat No:</b> A-1441		<b>Plat Ref:</b>
<b>Town:</b> COLLEGE PARK		
<b>Primary Structure Built</b> 1922	<b>Above Grade Living Area</b> 1,768 SF	<b>Finished Basement Area</b> 9,930 SF
<b>Property Land Area</b> 001	<b>County Use</b>	
<b>Stories</b> 2	<b>Basement</b> YES	<b>Type</b> STANDARD UNIT
<b>Exterior</b> FRAME/	<b>Quality</b> 4	<b>Full/Half Bath</b> 1 full
<b>Garage</b>	<b>Last Notice of Major Improvements</b>	
Value Information		
	<b>Base Value</b>	<b>Value</b> As of 01/01/2019
		<b>Phase-in Assessments</b> As of 07/01/2020
		As of 07/01/2021
<b>Land:</b>	150,500	200,500
<b>Improvements</b>	176,700	278,200
<b>Total:</b>	327,200	478,700
<b>Preferential Land:</b>	0	0
Transfer Information		
<b>Seller:</b> PALAU,ALEJANDRO & ELOISA	<b>Date:</b> 10/01/1998	<b>Price:</b> \$189,000
<b>Type:</b> ARMS LENGTH IMPROVED	<b>Deed1:</b> /12499/ 00506	<b>Deed2:</b>
<b>Seller:</b>	<b>Date:</b>	<b>Price:</b>
<b>Type:</b>	<b>Deed1:</b>	<b>Deed2:</b>
<b>Seller:</b>	<b>Date:</b>	<b>Price:</b>
<b>Type:</b>	<b>Deed1:</b>	<b>Deed2:</b>
Exemption Information		
<b>Partial Exempt Assessments:</b>	<b>Class</b>	<b>07/01/2020</b>
<b>County:</b>	000	0.00
<b>State:</b>	000	0.00
<b>Municipal:</b>	000	0.00 0.00
<b>Special Tax Recapture:</b> None		
Homestead Application Information		
<b>Homestead Application Status:</b> Approved 01/05/2010		
Homeowners' Tax Credit Application Information		
<b>Homeowners' Tax Credit Application Status:</b> No Application		<b>Date:</b>

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.

## Exhibit 5. Location Map

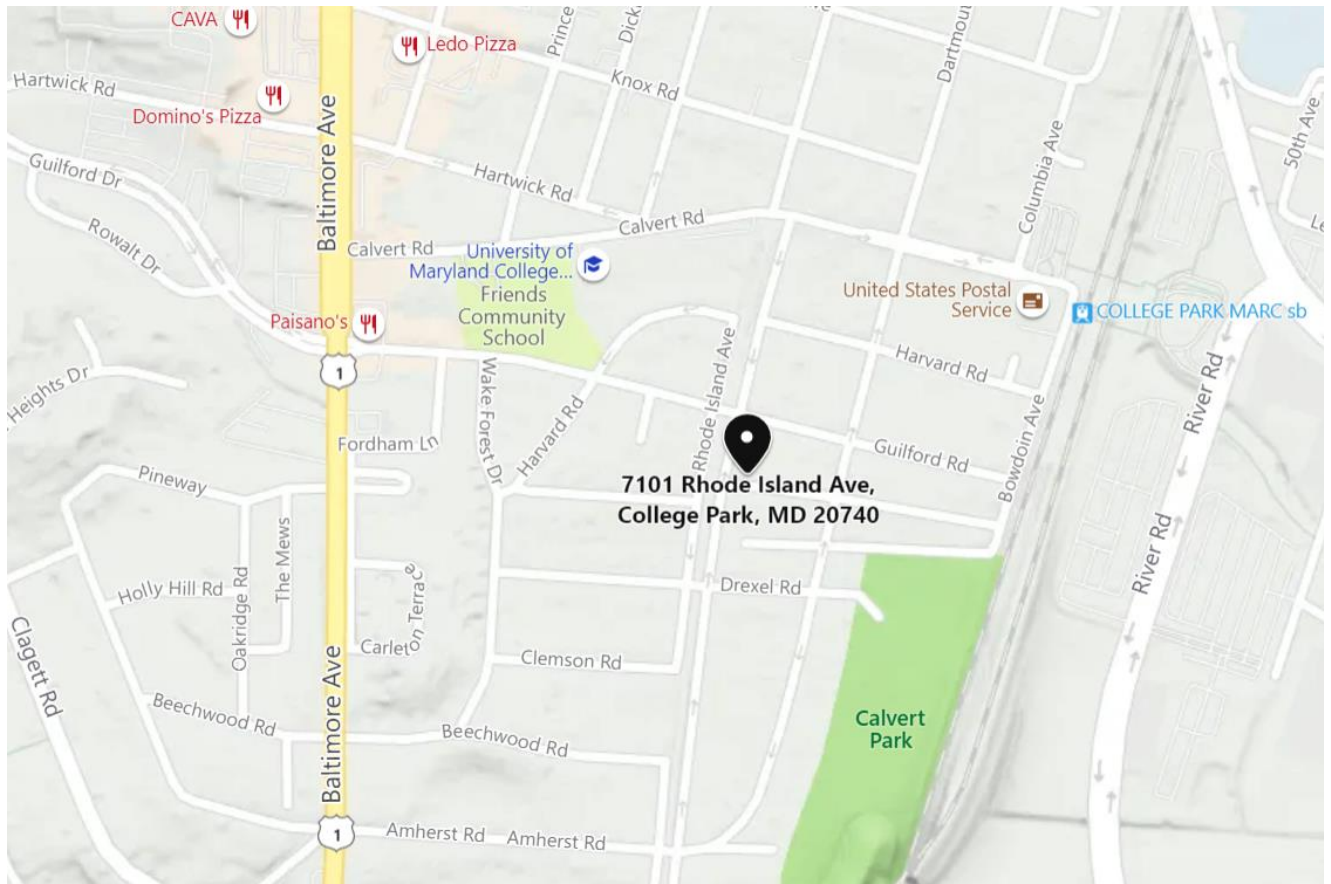




Exhibit 6. Zoning and Building Footprint Map



Exhibit 7. Impervious Surface Map

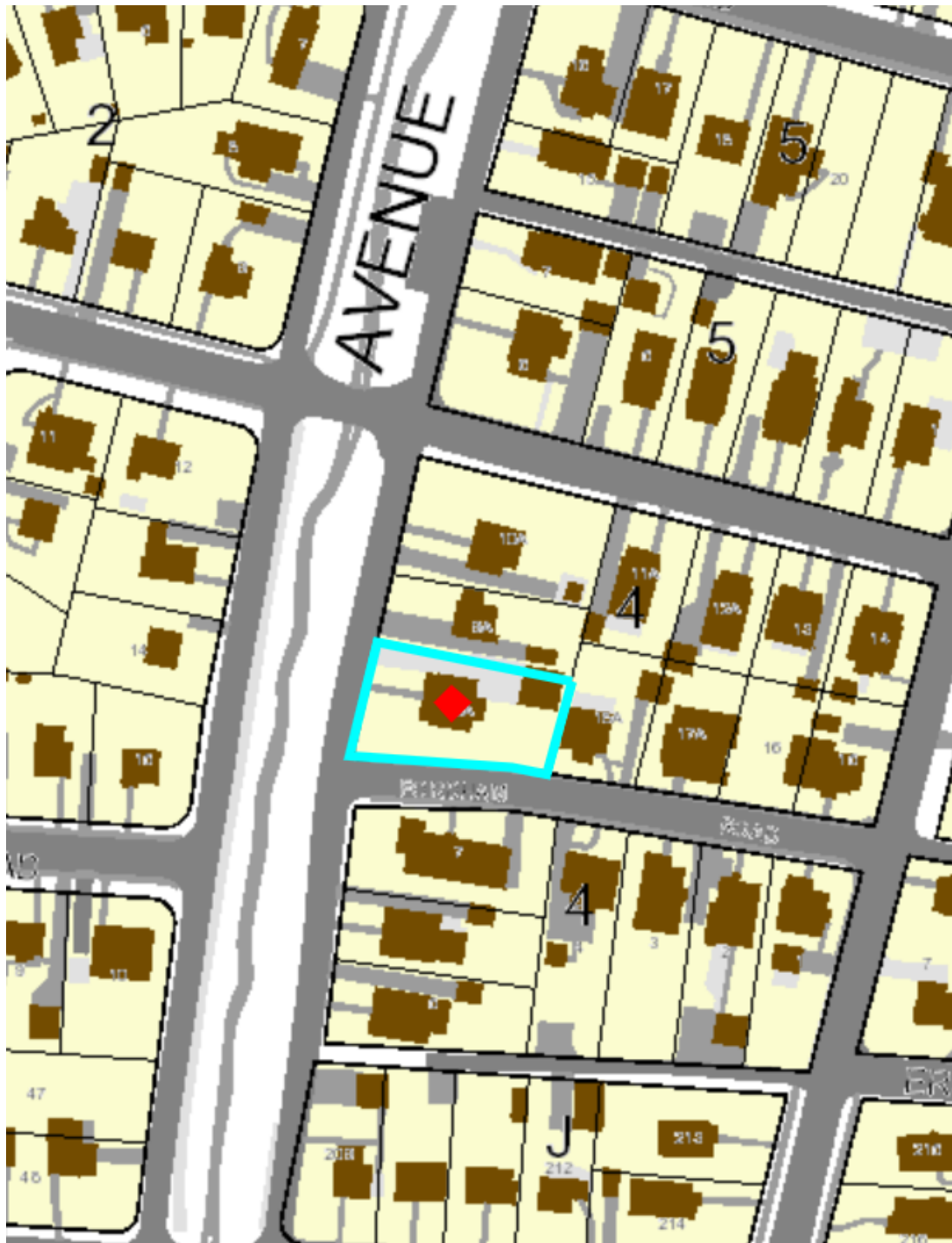
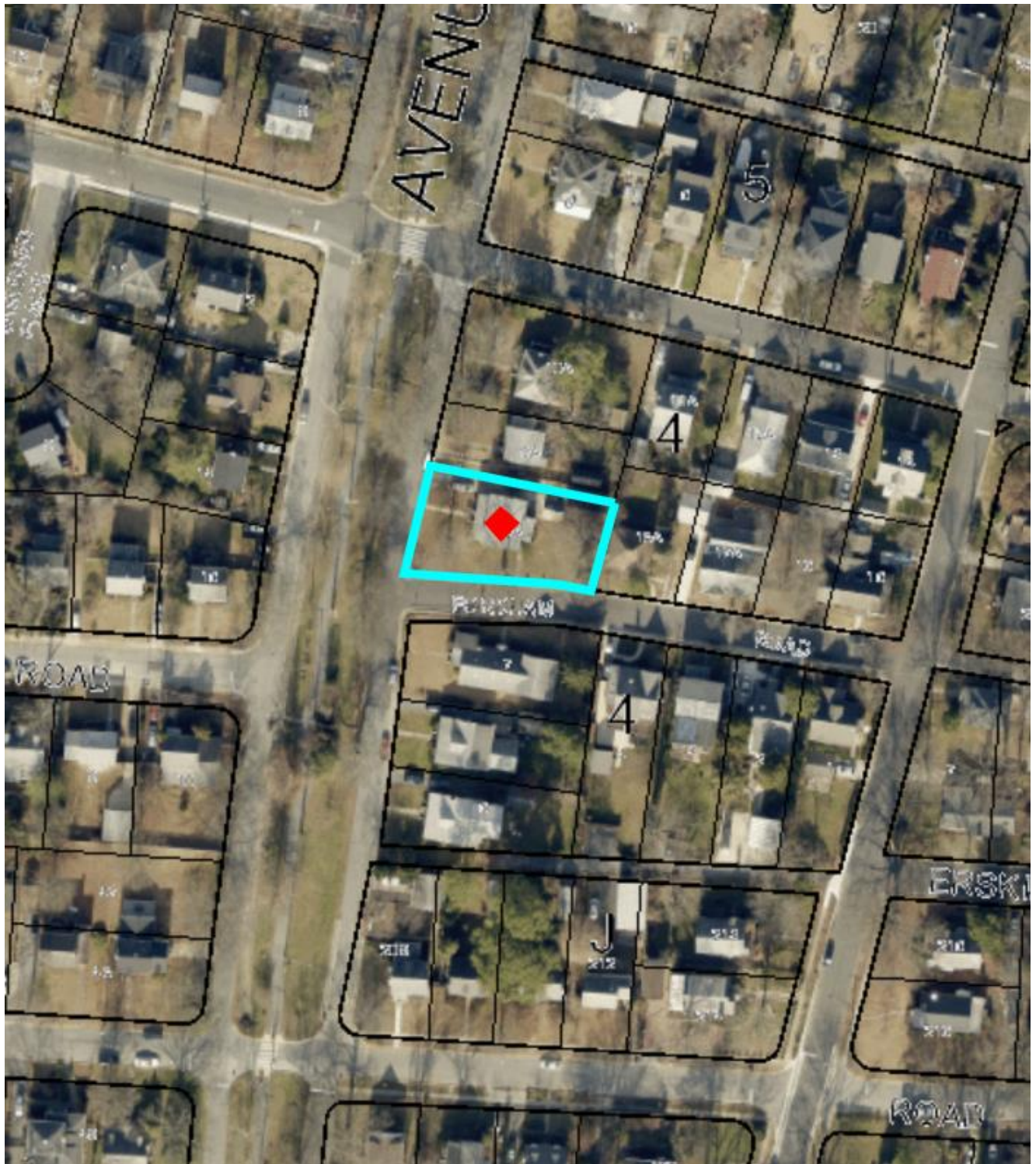


Exhibit 8 Aerial Photograph



Existing  
Lot Coverage Calculations for  
7101 Rhode Island Ave.

6/16/24

Zoning: R-55, APA 6

Structure built: 1922, 2 story frame

Purchased by Applicant: 1998

Lot size: 9,930  $\checkmark$ Max. permitted lot coverage 30% or 2,979  $\checkmark$ 

House 26.2' x 34.2' = 896.04 sq. ft.

Garage 28.1 x 25.1 = 705.31 sq. ft.

Existing Screened porch 8' x 14' = 112.00 sq. ft.

Existing Driveway = 1,848.00 sq. ft.

41' x 15' = 615  $\checkmark$ 26.2' x 15' = 393  $\checkmark$ 30' x 28' = 840  $\checkmark$ 1,848  $\checkmark$ 

3,561.35 sq. ft.

3,561.359,930

= 35.86%

5.86% over 582.35  $\checkmark$  over  
 (3,561.35 - 2,979)



## EXHIBIT 10. Staff Photos



A: Subject Property, 7101 Rhode Island Avenue



B: Long driveway leading to garage



C: Detached two-car garage



D. Screened-in Porch, location of addition